

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LUISITO BARBA and JOEL BARBA,

Plaintiffs,

v.

NEW CENTURY CHINESE BUFFET,  
INC., A NEW CENTURY CHINESE  
RESTAURANT, INC., XIU LAN XIAO,  
and FRANK ZHENG, jointly and severally,

Defendants

CIVIL DIVISION  
2:20-cv-01557

JURY TRIAL DEMANDED

**MOTION TO EXTEND  
DISCOVERY DEADLINE  
AND TO RESCHEDULE  
POST-DISCOVERY  
STATUS CONFERENCE**

Filed on behalf of:  
Defendants

Counsel of Record for this  
Party:

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1. Plaintiffs brought this action alleging violations of the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act, and the Wage Payment and Collection Law by Defendants. Defendants deny Plaintiffs' allegations, and have pleaded exceptions, exemptions, and time limitations in their defense.

2. This Court entered an Initial Case Management Order on May 28, 2021. (Document #44). On October 21, 2021, Defendants filed their initial Motion to Extend Discovery Deadline and to Reschedule Post-Discovery Status Conference (Document #47). At that time, Defendants alleged that they had complied with all discovery initiated by Plaintiffs, but that they required additional time within which to initiate their own written discovery, and to take the Barba Plaintiffs depositions.

3. On or about January 14, 2022, Defendants served their First Set of Interrogatories and First Request for Production of Documents Directed to Plaintiffs upon Plaintiffs' counsel. Plaintiffs' counsel advises that discovery responses will be forthcoming shortly.

4. Defendants require Plaintiffs' discovery responses before they can take the depositions of the Barba Plaintiffs. With the current discovery deadline being February 28, 2022, there is not sufficient time to review the Plaintiffs' discovery responses, and prepare for and take the Plaintiffs' depositions. The Defendants would be prejudiced in preparing their defense if they are not able to obtain the sought discovery.

5. The within Motion has been discussed with Plaintiffs' counsel, Joshua P. Ward, Esq., and Plaintiffs' counsel does not oppose the Motion or the relief sought by Defendants. As averred, there has been only one (1) previous extension of discovery.

WHEREFORE, Defendants respectfully request that this Honorable Court grant the within Motion, and enter the attached proposed Order.

Respectfully submitted,

By: 

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